

1 Bryan K. Anderson (SBN 170666)  
2 bkanderson@sidley.com  
3 Aaron R. Bleharski (SBN 240703)  
4 ableharski@sidley.com  
5 SIDLEY AUSTIN LLP  
6 1001 Page Mill Road., Building 1  
7 Palo Alto, CA 94304  
8 Telephone: (650) 565-7000  
9 Facsimile: (650) 565-7100

10 *Attorneys For Defendants Frank Stronach,*  
11 *Belinda Stronach, Donald Walker, Ted*  
12 *Robertson, Kevin Pavlov, Adam Waldman,*  
13 *and Magna E-Car Systems L.P.*

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **OAKLAND DIVISION**

17 A TRULY ELECTRIC CAR COMPANY,

18 Plaintiff,

19 v.

20 FRANK STRONACH, BELINDA  
21 STRONACH, DONALD WALKER, TED  
22 ROBERTSON, KEVIN PAVLOV, ADAM  
23 WALDMAN, MAGNA ELECTRONICS,  
24 INC., MAGNA E-CARS SYSTEMS L.P.,  
25 JANE DOES 1-10 and JOHN DOES 1-10,

26 Defendants.

Case No. 4:11-cv-6578-YGR

**JOINT STIPULATION AND ORDER TO  
STAY PROCEEDINGS PENDING  
RESOLUTION OF APPEAL BEFORE THE  
U.S. COURT OF APPEALS FOR THE  
NINTH CIRCUIT**

1 WHEREAS, on September 30, 2011, the plaintiff A Truly Electric Car Company ("ATECC")  
2 initiated this lawsuit in Superior Court of the State of California, County of San Mateo, in Case No.  
3 CIV-508788; and

4 WHEREAS, on December 21, 2011, defendants Frank Stronach, Belinda Stronach, Don  
5 Walker, Ted Robertson, Kevin Pavlov, Adam Waldman, and Magna E-Car Systems L.P.  
6 (collectively, "Defendants") filed with this Court a "Notice of Removal of Action Under 28 U.S.C.  
7 §§ 1332, 1441 and 1446 (Diversity)" (*see* Dkt. No. 1); and

8 WHEREAS, on December 21, 2011, Defendants simultaneously filed "Defendants' Motion:  
9 (1) To Stay Pending Decision by the Ninth Circuit in a Related Case; (2) In the Alternative, to  
10 Dismiss Under Fed. R. Civ. P. 41; or (3) to Dismiss for Lack of Personal Jurisdiction – Fed. R. Civ.  
11 P. 12(b)(2) and Res Judicata; or (4) to Transfer Venue Under 28 U.S.C. § 1404(a)" (*see* Dkt. No. 13)  
12 (hereinafter, "Motion"); and

13 WHEREAS the parties agree that the instant proceedings should be stayed pending resolution  
14 of *Durney v. Magna Int'l, Inc.*, 2011 U.S. Dist. LEXIS 47780 (N.D. Cal. May 3, 2011), *appeal*  
15 *docketed*, No. 11-16402 (9th Cir. Jun. 3, 2011) (the "Ninth Circuit Appeal");

16 THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

- 17 1. The instant proceedings, and any responses to pending motions or other papers, are  
18 stayed pending resolution of the Ninth Circuit Appeal.
- 19 2. During the stay period, ATECC (including any other parties or individuals owned or  
20 controlled by, or affiliated with ATECC) will not initiate any claims against the  
21 Defendants or their past and/or present affiliated corporations, subsidiaries, parents,  
22 employees, officers, directors, shareholders, agents, attorneys, assignees, insurers,  
23 successors or predecessors-in-interest.
- 24 3. Upon a decision in the Ninth Circuit Appeal, ATECC shall have thirty (30) days  
25 from the date of such decision to file any motion to remand in this case, and  
26 Defendants waive any objection to the timeliness of any argument made by ATECC  
27 in any such motion to remand.

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4. Upon a decision in the Ninth Circuit Appeal, Defendants shall re-notice their Motion pursuant to Northern District of California Civil Local Rule 7-2.
5. Plaintiff waives any objection to the timeliness of any objections or challenges that the Defendants may assert to the Complaint or action within thirty (30) days from the decision in the Ninth Circuit Appeal, including through amended answer(s), motion(s), or other response to the Complaint or action.
6. Each party shall bear their own costs and fees associated with preparing this stipulation in the instant case.

1 SO STIPULATED.

2  
3 DATED: January 9, 2012

By: /s/ Edward G. Durney

4 Edward G. Durney  
5 **ATTORNEY AT LAW**  
6 11 Rosalita Lane  
7 Millbrae, CA 94030  
8 Telephone: (650) 244-9621  
9 edurney@prodigy.net

10 Counsel for Plaintiff  
11 A Truly Electric Car Company

12 DATED: January 9, 2012

By: /s/ Bryan K. Anderson

13 Bryan K. Anderson  
14 **SIDLEY AUSTIN LLP**  
15 1001 Page Mill Road, Building 1  
16 Palo Alto, CA 94304  
17 Telephone: (650) 565-7000  
18 Facsimile: (650) 565-7100  
19 bkanderson@sidley.com

20 Counsel for Defendants  
21 Frank Stronach, Belinda Stronach, Don  
22 Walker, Ted Robertson, Kevin Pavlov,  
23 Adam Waldman, and Magna E-Car Systems  
24 L.P.

25 **SIGNATURE ATTESTATION**

26 Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of this  
27 document has been obtained from each of the other signatories shown above.

28 /s/ Aaron R. Bleharski  
Aaron R. Bleharski

**ORDER**

After considering the stipulation presented to the Court, and good cause therefore appearing, IT IS HEREBY ORDERED.

Dated: February 15, 2012

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE